

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE:) BANKRUPTCY NO. 10-01228-FKO-13
MICHAEL ROBERT DALTON)
Debtor(s)) CHAPTER 13
)

MOTION FOR RELIEF FROM STAY

Comes now UNIVERSAL MORTGAGE CORPORATION ("Creditor"), by counsel, Katherine A. Starks and for its Motion for Relief From Stay states as follows:

1. On February 5, 2010, the above-named Debtor(s) filed a voluntary petition pursuant to chapter 13 of the Bankruptcy Code.

2. Creditor is the holder of a secured claim with a principal outstanding balance of \$36,480.58 Said claim is secured by the real property located at 960 M EWING STREET, INDIANAPOLIS IN 46201 and more particularly described in the mortgage, a copy of which is available upon request from Creditor's counsel.

3. The above-described mortgage was given to secure a promissory note dated FEBRUARY 28, 2008 by the Debtor(s) to UNIVERSAL MORTGAGE CORPORATION in the original principal sum of \$37,000.00. A copy of the above-described note is available upon request at creditor's counsel upon request.

4. The outstanding principal balance at the time of this filing is \$ 36,480.58.

5. The Debtor(s) defaulted on payments by failing to make regular payments due and owing :

August , 2009 through February 2010 mortgage payments	
7 payments @ \$420.00 each.....	\$2,940.00
August 2009 through January 2010 late charges	
6 @ \$12.15.....	\$ 72.90
Inspection fees.....	\$ 40.00
Foreclosure fees and costs.....	\$ 308.00
Amount in escrow.....	\$(139.70)
Bankruptcy attorney fees and costs.....	\$ 800.00
Arrears amount.....	\$4,021.20

Total amount.....\$40,501.78

The failure to make such payments constitutes a material default and allows no protection of the interest of Creditor within the meaning of Section 362 of the Bankruptcy Code.

6. The failure to make payments is cause for the Court to grant relief from the stay

to Creditor within the meaning of Section 362 of the Bankruptcy Code.

WHEREFORE, Creditor prays the Court terminate the automatic stay of Section 362 of the Bankruptcy Code, enter an order authorizing Creditor to proceed with foreclosure on the subject real estate in state court, and that Fed.R.Bankr Pr. Rule 4001(a)(3) be waived and the Order Terminating Stay be effective upon entry of this Order, and for all other relief that is just.

/s/Katherine A. Starks
Atty. No. 23158-41
Attorney for Creditor
William R. Richards, P.C.
5120 Commerce Circle #B
Indianapolis IN 46237
Telephone (317) 859-5666
Fax (317) 859-5660

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon the following counsels of record by first class, U.S. Mail postage prepaid or electronically this 9 day of March, 2010.

Robert A Brothers
151 N Delaware St Ste 1400
Indianapolis IN 46204

Matthew D Boruta
543 E Market St Ste 1
Indianapolis IN 46204

U.S. Trustee
101 W. Ohio Street #1000
Indianapolis, IN 46204

/s/Katherine A Starks
Katherine A Starks , Atty. No. 23158-41

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE:)
MICHAEL ROBERT DALTON) CASE NO: 10-01228-FJO-13 -
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Debtor(s))

NOTICE OF MOTION OR OTHER REQUESTS FOR
RELIEF FROM STAY

PLEASE TAKE NOTICE take parties in interest shall have fifteen (14) Days from the date this Notice is served to file an objection to the Motion from Relief from Stay filed on behalf of Universal Mortgage Corporation as the to following property: 960 N EWING STREET, INDIANAPOLIS IN 46201 .

Objections must be filed in writing with the Clerk's office and served on the attorney for the moving party at the addresses listed below. If no objection is timely filed, an order may be entered by the Court for the relief requested.

U.S. Bankruptcy Court
P.O. Box 44978
Indianapolis IN 46244

CERTIFICATE OF SERVICE

This is to certify that a true and accurate copy of this Notice of Motion for Relief from Stay was served on all creditors and parties in interest by placing a copy in the U.S. Mail or electronically this 9 day of MARCH 2010.

Robert A Brothers
151 N Delaware St Ste 1400
Indianapolis IN 46204

Matthew D Boruta
543 E Market St Ste 1
Indianapolis IN 46204

U.S. Trustee
101 W. Ohio Street #1000
Indianapolis, IN 46204

/s/Katherine A. Starks ATTY # 23158-41
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